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INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY
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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 5449
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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000164

SIPDIS

STATE FOR EAP, DRL, IO; NSC FOR PHU

E.O. 12958: DECL: 01/22/2019

TAGS: [PHUM](#) [PGOV](#) [KPAO](#) [KJUS](#) [TH](#)

SUBJECT: PUSHING FOR ACCOUNTABILITY, THAI PM LIGHTS FIRE
UNDER POLICE TO SOLVE INFAMOUS STALLED CASES

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Classified By: POL Counselor George Kent, Reason 1.4 (B, D)

SUMMARY AND COMMENT

11. (C) Prime Minister Abhisit Vejjajiva ordered top police officers to accelerate investigations into unsolved high-profile crimes during a closed-door meeting on January 21. Abhisit flagged several Thaksin-era cases, including the 2004 disappearance of Muslim lawyer Somchai Neelaipaijit and the 2003 murder of Kornthep Veriya, as cases that needed closure to prove that justice and rule of law apply in Thailand. Abhisit also prioritized the 1989 and 1990 murders of Saudi Arabian diplomats, and the 2008 shooting of an Amcit in Hua Hin. Prior to his meeting with police officers, Abhisit met with human rights activists at Government House on January 19 to discuss the status of human rights in Thailand. A credible source suggested that Abhisit told Somchai's widow that he intended to establish an independent committee to review the case. NGOs remain hopeful about Abhisit's intentions and suggested international assistance and pressure as critical in supporting Abhisit's efforts to solve these cases.

12. (C) Comment: Abhisit's call for police action on a series of notorious, outstanding criminal cases is an open challenge to the independent Royal Thai Police. The cases reflect a wide range of circumstances, one likely involving a cover-up of police officials' direct involvement (Somchai), and others for the far-reaching international implications and media coverage. In order for the Prime Minister to succeed in a breakthrough in investigating high-profile cases and achieving the justice/accountability he seeks, he will need to go beyond his initial directive and establish tangible goals and firm guidelines for any proposed independent committee, according to experts. Many in the human rights and legal community welcomed Abhisit's latest call for justice, and hoped to seize upon what they consider to be a small window for reform permitted by the new, energized government. End Summary and Comment.

¶3. (U) Two days after meeting with ten human rights activists, PM Abhisit ordered the police to intensify efforts in the investigation of the 2004 disappearance of lawyer Somchai Neelapaijit, and other high-profile cases such as the 1989 and 1990 murders of Saudi Arabian diplomats, the 2003 murder of Kornthep Viriya (alias "Shipping Moo"), and the 2008 attempted murder of Amcit Donald Whiting in Hua Hin, according to press accounts. Abhisit summoned Deputy Police Chief General Thane Somboonsap and Assistant Police Chief Asavin Khwanmuang to Government House on January 21; the media reported he stressed the need for convictions of guilty individuals. The January 19 meeting with ten human rights activists, included Angkhana Neelapaijit, wife/widow of disappeared Muslim lawyer Somchai Neelapaijit, and human rights lawyer Somchai Homlaor.

¶4. (C) The highlighted cases were:

--The 2004 disappearance of lawyer Somchai from central Bangkok, which occurred when he was representing four torture victims from southern Thailand. In 2007, police Major Ngern Thongsuk received a three-year jail term on charges of forced coercion and robbery, but appealed his sentence and remained out on bail. Other policemen tied to Somchai's abduction/disappearance were acquitted. Police alleged that Ngern died in a September 2008 mudslide, but his body was never recovered.

--Kornthep Veriya, a.k.a. "Shipping Moo," testified as the Democrat Party's lead witness during the investigation into

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the 2003 tax evasion by former Prime Minister Thaksin's Shin Satellite Corporation. A Democrat Party member provided Kornthep protection in Chiang Rai following his testimony. However, gunmen shot and killed him in 2003. At the time, Police claimed members of a drug smuggling gang killed him.

--Amcit Donald Whiting was shot on the doorstep of his home in Hua Hin in October 2008. Whiting received previous media coverage for problems he endured with a well-known Hua Hin developer during the construction of a home he purchased. Whiting survived the attack, but remained paralyzed.

--The 1989 and 1990 murders of four Saudi Arabian diplomats and the disappearance of a Saudi Arabian businessman in Bangkok which, along with a celebrated case of gems stolen by a Thai laborer employed at a Saudi palace, resulted in the freezing of diplomatic ties between Thailand and Saudi Arabia and a ban imposed by the Saudi government on Thai laborers working in-country. A policeman tied to the disappearance of the businessmen remains on active duty as head of Police Region 5 (far north).

COMMITTEE SUGGESTED FOR SOMCHAI CASE

¶5. (C) Paul Green of the International Commission of Jurists (ICJ) told us on January 22 that Abhisit had informed Angkhana, in confidence, about his intention to establish an independent committee to review her husband's case. Green remained positive about Abhisit's intention, but called the response to establish a committee a "knee-jerk" reaction by many governments under pressure and a mechanism which did not automatically ensure justice. Green added that former PM Thaksin also created committees, including to investigate the disappearance of lawyer Somchai, but those committees yielded few/no results. Green considered clear Terms of Reference (TOR) crucial, and a test of the sincerity of Abhisit's pledge; the TOR should dictate a mandate, responsible overseeing agencies, legal powers afforded, a timeline, and possible outcomes. On the Somchai case, Green suggested Abhisit's proposed committee could make progress on the

release of documents, such as mobile phone records previously censored by the service provider.

HUMAN RIGHTS COMMUNITY OPTIMISTIC

¶16. (C) Angkhana told us on January 22 that she was pleased with Abhisit's statements, but that "justice" should not depend on the political environment or a politician's stance. She stressed that justice should be embedded in a firm rule of law, no matter the political climate, and questioned what would happen to the new momentum should the Democrat-led government be short-lived. She described the need for judicial reform, particularly within the police department, and said that police operations needed to be subject to review by independent agencies, particularly when a police officer is accused of committing a crime.

¶17. (C) Human rights lawyer Somchai Homlaor also attended the January 19 meeting with Abhisit; in later private discussions with us, Somchai praised Abhisit's sincerity. Somchai told us on January 22 that Aphisit had raised issues of past human rights violations with the group, including the disappearance of lawyer Somchai and the unresolved cases of the victims of Thaksin's 2003 War on Drugs. According to Somchai, Abhisit told the group he would pursue some cases quietly, such as cases implicating Thaksin, because he did not want to be seen as using the cases for political gain.

¶18. (C) Somchai, a longtime friend of Abhisit and a known anti-Thaksin advocate, described Abhisit as "eager to solve pending problems." Somchai confided that Abhisit remained concerned about obstruction of investigations by the Ministry

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of Justice's Department of Special Investigation (DSI), which consisted primarily of police officers; Somchai echoed media rumors that the current DSI chief may be transferred in an effort to bring new integrity to DSI. Somchai noted that the Justice Minister and Abhisit were "quite strong, and know how to reform DSI." He added that many police transferred to DSI brought negative aspects of police culture to the institution. He pointed to the fact that DSI had only brought six cases against policemen related to the 2003 War on Drugs. Somchai accused many individuals in the police and the DSI of obstructing the Somchai Neelapaijit investigation.

¶19. (C) Somchai noted that Prime Minister Surayud's interim government had made some progress with investigations into these types of high-profile crimes, but commented that Abhisit had the chance to work with a new generation of employees at the Ministry of Justice. Optimistic about the chance for future convictions, Somchai added: "if this government is stable for one or two years, it can accomplish something." Green of ICJ agreed, and told us that he hoped a clear message from the new government would reach individuals obstructing progress on these cases, and they would feel less obliged to hide the identities of those involved.

JOHN